

Case 04-50806 Doc 1 Filed 03/19/04 Page 1 of 24

United States Bankruptcy Court
Middle District of North Carolina

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Gaither, Thomas L.	Name of Joint Debtor (if individual, enter Last, First, Middle): Gaither, Shelly E.
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names): None	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names): None
Soc. Sec./Tax I.D. No. (if more than one, state all): XXX-XX-4494	Soc. Sec./Tax I.D. No. (if more than one, state all): XXX-XX-4756
Street Address of Debtor (No. & Street, City, State & Zip Code): 570 Mt. Hall Rd. Cleveland NC 27013	Street Address of Joint Debtor (No. & Street, City, State & Zip Code): 570 Mt. Hall Rd. Cleveland NC 27013
County of Residence or of the Principal Place of Business: Rowan	County of Residence or of the Principal Place of Business: Rowan
Mailing Address of Debtor (if different from street address): PO Box 143 Cleveland NC 27013	Mailing Address of Joint Debtor (if different from street address): PO Box 143 Cleveland NC 27013
Location of Principal Assets of Business Debtor (if different from address above): n/a	

Information Regarding the Debtor (Check the Applicable Boxes)**Venue** (Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Type of Debtor (Check all boxes that apply)

- ☒ Individual(s) ☐ Railroad
☐ Corporation ☐ Stockbroker
☐ Partnership ☐ Commodity Broker
☐ Other _____

Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)

- ☐ Chapter 7 ☐ Chapter 11 ☒ Chapter 13
☐ Chapter 9 ☐ Chapter 12
☐ Sec. 304 - Case ancillary to foreign proceeding

Nature of Debts (Check one box)

- ☒ Consumer/Non-Business ☐ Business

Chapter 11 Small Business (Check all boxes that apply)

- ☐ Debtor is a small business as defined in 11 U.S.C. 101
☐ Debtor is and elects to be considered a small business under 11 U.S.C. 1121(e) (Optional)

Filing Fee (Check one box)

- ☒ Full Filing Fee Attached
☐ Filing Fee to be paid in installments (Applicable to individuals only)
 Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments.
 Rule 1006(b). See Official Form No. 3.

Statistical/Administrative Information (Estimates only)

- ☐ Debtor estimates that funds will be available for distribution to unsecured creditors.
☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

THIS SPACE IS FOR COURT USE ONLY

Estimated Number of Creditors 1-15 ☒

Estimated Assets

\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Assets

\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

UNITED STATES BANKRUPTCY COURT
 Middle District North Carolina

Case # 04-50806 wscrc Chapter 13

Filed: 03:00 PM, 03/19/04 Winston-Salem

Judge: Judge Catharine Carruthers

Trustee: Kathryn L. Bringle

Debtor(s):
 Thomas L. Gaither
 Shelly E. Gaither

First Meeting of Creditors

01:00 PM, May 07, 2004
 Creditor's Mtg. Rm. 1st Fl., WS
 US Bankruptcy Court
 226 South Liberty Street
 Winston-Salem, NC 27101

050038583 - CS

03:04 PM, March 19, 2004

Code	Qty	Amount
13	1	\$194.00

TOTAL PAID: \$194.00

From: Robert F McLaughlin
 122 N Ellis St
 Salisbury, NC 28144

FEES PAID IN FULL

Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor:
Gaither, Thomas L.**Gaither, Shelly E.****Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)**

Location Where Filed: None	Case Number:	Date Filed:
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Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor: None	Case Number:	Date Filed:
District:	Relationship:	Judge:

Signatures**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.
[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each chapter, and choose to proceed under Chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X Thomas L. Gaither
Signature of Debtor

X Shelly E. Gaither
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

March 11, 2004
Date

Signature(s) of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the Debtor.

The Debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Authorized Individual

Print or Type Name of Authorized Individual

Title of Authorized Individual

Date

Signature(s) of Attorney

X Robert F. McLaughlin
Signature of Attorney for Debtor(s)

Robert F. McLaughlin, Attorney at Law
Printed Name of Attorney for Debtor(s)/Bar No.

Robert F. McLaughlin, Attorney at Law
Firm Name

122 N. Ellis St.
Address

Salisbury NC 28144

704-633-2020
Telephone Number

March 16, 2004
Date

Signature of Non-Attorney Petition Preparer

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document.

If more than one person prepared this document, attached additional sheets conforming to the appropriate official form for each person.

X _____
Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Exhibit A

(To be completed if Debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if Debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he/she] may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X Robert F. McLaughlin 3/16/04
Signature of Attorney for Debtor(s) Date

C-13-5
(Rev. 6/92)

THE PLAN

The Debtor's take-home pay is \$ 1669.00 per MONTH.

The Joint Debtor's take-home pay is \$ 1119.00 per MONTH.

Debtor

Joint Debtor

Employer: **Jockey International, Inc.**
2300 60th St.
Kenosha, WI 53140-3889

Rowan County YMCA
503 Faith Rd.
Salisbury, NC 28146

Length of
Employment: 5 weeks

8 years

Phone No.
(Business): (336) 284-4088

(704) 278-1610

The Debtor's plan is to pay from future income and earnings, as much as reasonably possible, as determined by the Court, for a period not less than 36 months and not in excess of 60 months. The Debtor considers the reasonable amount to be \$1120.00 dollars per month and the reasonable plan length to be 42 months. However, the sum is subject to the determination of the Court from time to time. All funds will be disbursed to creditors, as may be approved by the Court, after first deducting costs of administration. Debtor has a principal place of employment, residence or domicile or owns property within this District.

Annexed hereto are schedules which set forth accurate descriptions and valuations of all the items of property, real and personal and a complete statement of all debts with the full names and addresses of all creditors.

REQUEST FOR RELIEF

The Debtor is an individual with regular income who owes, as of the date of the filing of this petition, noncontingent, liquidated, unsecured debts of less than \$100,000 and noncontingent liquidated secured debts of less than \$350,000 and hereby requests relief in accordance with Chapter 13 of Title 11, United States Code.

SCHEDULE A**REAL PROPERTY AND MOBILE HOMES**

Description	Name and Address Of Lienholder	Total Amount of Debt	Monthly Payment	Present Market Value without Deduction For Mortgage or Security Interest
1 Residence- 570 Mt. Hall Rd. Cleveland, Rowan Co., NC	Citifinancial Mortgage PO Box 142199 Irving, TX 75014-2199 0001467442	86,030.00	793.33	100,000.00
			Total:	<u>100,000.00</u>

SCHEDULE B
PERSONAL PROPERTY

Type of Property	Amount of Mortgage or Other Security Interest on this Property	Name of Creditor Abbreviate - Full Name & Address Must Be on List of Debts	Present Market Value without Deduction For Mortgage or Security Interest
AUTOMOBILES/VEHICLES			
1 (W) 1996 Cadillac Deville (152,000 miles)			4,000.00
2 (H) 1993 Dodge Caravan (230,000 miles)			1,200.00
3 (W) 1981 Toyota Starlet			250.00
HOUSEHOLD GOODS			
1 Routine HHG and furnishings			3,510.00
PERSONAL EFFECTS			
1 Clothing and jewelry			950.00
OTHER			
N/A			0.00
Tax Refunds Indicate what tax refunds (income or other), if any, to which either you or your spouse are entitled (give particulars including information as to any refunds payable jointly with any other person).			
2003 tax refunds			5,400.00
Bank Accounts (and Safe Deposit Boxes): If you or your spouse currently have any bank or savings and loan accounts, checking or savings, give name and address of bank, nature of account, current balance, name and address of each person authorized to make withdrawals from the account (if none, so state).			
<u>Nature of Account</u>	<u>Name of Bank</u>	<u>Name of Person Authorized to Withdraw</u>	
Female debtor's checking acct. #	Farmers & Merchants Bank 420 N. Main St. Salisbury NC 28144	Female debtor only	
Joint savings acct. #	Farmers & Merchants Bank 420 N. Main St. Salisbury NC 28144	Debtors only	
THE LIQUIDATED VALUE OF DEBTOR'S ESTATE AFTER DEDUCTING MORTGAGES AND OTHER VALID LIENS IS APPROXIMATELY \$			15,310.00

0.00

Total of B \$

SCHEDULE C

PROPERTY CLAIMED AS EXEMPT

(This schedule is not necessary to be completed at this time.)

SCHEDULE D

SECURED CREDITORS

(List all lienholders including real estate and mobile homes)

Full Name, Mailing Address, and Account Number for Each Creditor	Brief Description of Security for Each Debt	Monthly Payment	Total Amount Remaining Due or Claimed
1 Citifinancial Mortgage PO Box 142199 Irving, TX 75014-2199 0001467442	First mortgage on residence FMV: 100000.00	793.33	86,030.00
* - estimated arrearage through 4/04 = \$3,300			

Total of Schedule D \$ 86,030.00

SCHEDULE E
PRIORITY CREDITORS

		Amount Due or Claimed
	United States	\$ 0.00
	State of N.C.	\$ 0.00
2002 and 2003 Rowan County property taxes	Local County Taxes	\$ 981.00
	Local City Taxes	\$ 0.00
	Other	\$ 0.00
	Total of E	\$ 981.00

SCHEDULE F
UNSECURED CREDITORS

Full Name, Mailing Address, and Account Number for Each Creditor	Total Amount Remaining Due or Claimed
1 Arrow Financial Services 5996 W. Touhy Ave. Niles, IL, 60714 16562509	764.00
2 Arrow Financial Services 5996 W. Touhy Ave. Niles, IL 60714 16561964	715.00
3 Davie County Hospital PO Box 1209 Mocksville, NC 27028	1065.00
4 Davis Regional Medical Center PO Box 1823 Statesville, NC 28687	1616.00
5 Delaware State University (to be paid in full) PO Box 820033 Philadelphia, PA 19182-0033	1620.00
6 Direct TV c/o Law Offices of Mitchell N. Kay PO Box 9006 Smithtown, NY 11787-9006 8771442A	217.00
7 First Premier Bank PO Box 5524 Sioux Falls, SD 57117	0.00
8 Forsyth Radiological Associates 3155 Maplewood Ave. Winston-Salem, NC 27103 30504957	51.00
9 Mid-Atlantic Emergency Associates PO Box 2332 Raleigh, NC 27602 AP16870189	145.00
10 Piedmont Pathology Associates, Inc. 1899 Tate Blvd. SE, Ste. 1105 Hickory, NC 28602 095932	52.00
11 Rowan Anesthesia Associates c/o Rowan Collection Agency	60.00

Total of Schedule F \$

15,642.00

SCHEDULE F
UNSECURED CREDITORS

Full Name, Mailing Address, and
Account Number for Each Creditor

Total Amount Remaining
Due or Claimed

PO Box 1907
Salisbury, NC 28145-1907
12045

12 Rowan Regional Med. Ctr.
612 Mocksville Ave.
Salisbury NC 28144

7193.00

13 TranSouth
PO Box 9019
Des Moines, IA 50368-9019
06326395-0115994

940.00

14 Verizon Wireless
PO Box 660108
Dallas, TX 75266-0108
419412083-00001

1204.00

Total of Schedule F \$

15,642.00

SCHEDULE G
EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Name and Address of
Parties to Lease or Contract

Description of Contract or Lease and Nature
of Debtor's Interest. State whether Lease is
for Nonresidential Real Property

1 N/A

SCHEDULE H
CODEBTORS

Name and Address
of Codebtor

Name and Address of Creditor

1 N/A

SCHEDULE I
CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a Chapter 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status	Dependents of Debtor and Spouse		
	Names	Age	Relationship
<input type="checkbox"/> Single	Natasha M. Gaither	23	daughter
<input checked="" type="checkbox"/> Married	Thomas L. Gaither, Jr.	18	son
<input type="checkbox"/> Divorced	Nicholas J. Warren	5	grandchild
<input type="checkbox"/> Separated	Nicholi J. Warren	1	grandchild

Income: (estimate of average monthly income)

	DEBTOR	SPOUSE
Current monthly gross wages, salary, and commissions (pro rate if not paid monthly)	\$ 1,997.00	\$ 1,444.00
Estimate monthly overtime.	\$	\$

SUBTOTAL \$ 1,997.00 \$ 1,444.00

LESS PAYROLL DEDUCTIONS

a. Payroll taxes and social security	\$ 328.00	\$ 231.00
b. Insurance	\$	\$ 94.00
c. Union Dues.	\$	\$
d. Other	\$	\$
Other	\$	\$
Other	\$	\$
Other	\$	\$
Other	\$	\$

SUBTOTAL OF PAYROLL DEDUCTIONS. \$ 328.00 \$ 325.00

TOTAL NET MONTHLY TAKE HOME PAY. \$ 1,669.00 \$ 1,119.00

Regular income from operation of business or profession (attach detailed statement) \$ \$

Income from real property \$ \$

Interest and dividends \$ \$

Alimony, maintenance or support payments payable to the debtor for the debtor's use
or that of dependents listed above. \$ \$

Social Security or other government assistance
(specify) \$ \$

Pension or retirement income. \$ \$

Other monthly income \$ \$

Other monthly income \$ \$

Other monthly income \$ \$

TOTAL MONTHLY INCOME \$ 1,669.00 \$ 1,119.00

TOTAL COMBINED MONTHLY INCOME \$ 2,788.00

SCHEDULE J
CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

	DEBTOR
Rent or home mortgage payment (include lot rented for mobile home)	\$ <u>794.00</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Utilities: Electricity and heating fuel	\$ <u>250.00</u>
Water and sewer	\$ _____
Telephone	\$ <u>190.00</u>
Other Internet	\$ <u>35.00</u>
Home maintenance (repairs and upkeep).	\$ <u>75.00</u>
Food (include lunches)	\$ <u>475.00</u>
Clothing	\$ <u>350.00</u>
Laundry and dry cleaning.	\$ <u>10.00</u>
Medical and dental expenses	\$ <u>25.00</u>
Child care	\$ <u>260.00</u>
Transportation (not including car payments).	\$ <u>275.00</u>
Recreation, clubs and entertainment, newspapers, magazines, etc.	\$ _____
Charitable Contributions	\$ <u>80.00</u>
Insurance (not deducted from wages or included in home mortgage payments:	
Homeowner's or renter's.	\$ _____
Life	\$ _____
Health	\$ _____
Auto	\$ <u>122.00</u>
Other	\$ _____
Taxes (not deducted from wages or included in home mortgage payments	
(specify).	\$ <u>49.00</u>
Alimony, maintenance, and support paid to others.	\$ _____
Payments for support of additional dependents not living at your home	\$ _____
Regular expenses from operation of business, profession or farm (attached statement)	\$ _____
Other.	\$ _____
TOTAL MONTHLY EXPENSES	\$ <u>2,990.00</u>

SUMMARY

TOTAL INCOME.	\$ <u>2,788.00</u>
TOTAL EXPENSES	\$ <u>2,990.00</u>
AMOUNT OF CHAPTER 13 PAYMENT	\$ <u>1,120.00*</u>
DISPOSABLE INCOME AFTER EXPENSES & CHAPTER 13 PAYMENT	\$ <u>-528.00</u>

* inclusive of mortgage payments

PAYMENTS TO CREDITORS

List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within 90 days (insiders 1 year) immediately preceding the commencement of this case. (Married debtors must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

None

FORECLOSURES, EXECUTIONS AND ATTACHMENTS

Is any of your or your spouse's property, including real estate, involved in foreclosing proceedings in or out of court? If so, identify the property and the person foreclosing.

No

Has any of your or your spouse's property or income been attached, garnished or seized under any legal or equitable process on or within 90 days before the date of the filing of the original petition herein? (If so, describe the property seized, or person garnished and at whose suit.)

No

TRANSFERS, REPOSSESSIONS AND RETURNS

Has any of your or your spouse's property been transferred, returned, repossessed, or seized by the seller or by any other party, including a landlord on or within 90 days before the date of this filing of the original petition herein? (If so, give particulars including the name and address of the party getting the property and its description and value.)

No

COMPENSATION PAID OR PROMISED TO ATTORNEY FOR DEBTOR

If you have paid or agreed to pay (or transferred or agreed to transfer any property) to your attorney for services in connection with your case other than agreeing to pay compensation as may be allowed by the Court to be paid from monies paid to the Trustee for your account, then state:

None

PENDING OR PRIOR BANKRUPTCY

What proceedings under the Bankruptcy Code are now pending or have been previously brought by or against you or your spouse? State the location of the Bankruptcy Court, the nature and number of each proceeding, the date it was filed, and whether a discharge was granted or refused, the proceeding was dismissed, or a composition, arrangement or plan was confirmed.

None

PAYMENTS RELATED TO DEBT CONSOLIDATION OR BANKRUPTCY

List all payments made or property transferred by or on behalf of the Debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within one year immediately preceding the commencement of this case.

None

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In the Matter of:

THOMAS L. GAITHER
SHELLY E. GAITHER

Debtor.

Case No. _____

**DEBTOR'S CLAIM FOR
PROPERTY EXEMPTIONS**

I, THOMAS L. GAITHER, the undersigned debtor, hereby claim the following property as exempt pursuant to Chapter 1C, Article 16, § 1C-1601 et seq. of the North Carolina General Statutes.

1. **REAL OR PERSONAL PROPERTY USED BY DEBTOR OR DEBTOR'S DEPENDANT AS RESIDENCE OR BURIAL PLOT.** (Total net value not to exceed \$10,000. Amount of the unused portion of the first \$3,500 may be carried forward to be applied on other property claimed as exempt.)

Description of Property & Address	Market Value	Mtg. Holder or Lien Holder	Amt. Mtg. or Lien	Net Value
Residence- 570 Mt. Hall Rd. Cleveland, Rowan Co., NC	100,000	Citifinancial	86,030	13,970
* debtor's $\frac{1}{2}$ interest				(a) Total Net Value \$ 13,970
				Total Net Exemption \$ 6,985*
(b) Unused portion of first \$3,500. (This amount, if any, may be used to claim an exemption in any property owned by the debtor.)				\$ 0

2. **MOTOR VEHICLE.** (Only one vehicle allowed under this paragraph with net value claimed as exempt not to exceed \$1,500 plus any portion desired for use from paragraph 1 (b) above.)

Model, Year Style of Auto	Market Value	Lien Holder	Amt. Lien	Net Value
1993 Dodge Caravan		None	N/A	
(a) Statutory allowance			\$ 1,500	
(b) Amount from 1 (b) above to be used in this paragraph. (A part or all of 1 (b) may be used as needed.)			\$	
Total Net Exemption			\$	

3. **TOOLS OF TRADE OR PROFESSIONAL BOOKS.** (Used by Debtor or Debtor's dependent. Total net value of all items claimed as exempt not to exceed \$750.00.)

Description	Market Value	Lien Holder	Amt. Lien	Net Value
None				
(a) Statutory allowance			\$ 750	
(b) Amount from 1 (b) above to be used in this paragraph. (A part or all of 1 (b) may be used as needed.)			\$	
Total Net Exemption			\$	

4. **PERSONAL PROPERTY USED FOR HOUSEHOLD OR PERSONAL PURPOSES NEEDED BY DEBTOR OR DEBTOR'S DEPENDENTS.** (Debtor's total net value not to exceed \$5,500 plus \$750 for each dependent, but not to exceed \$3,000 total for all dependents.)

Description of Property	Market Value	Lien Holder	Amt. Lien	Net Value
Clothing & Personal	200			200
Kitchen Appliances				
Stove	150			150
Refrigerator	200			200
Freezer	12			12
Washing Machine	25			25
Dryer	25			25
China				
Silver	38			38
Jewelry				
Living Room Furniture	150			150
Den Furniture	175			175
Bedroom Furniture	50			50
Dining Room Furniture	200			200
Lawn Furniture				
Television/DVD	250			250
() Stereo () Radio	37			37
Musical Instruments				
() Piano () Organ				
Air Conditioner				
Paintings & Art	17			17
Lawn Mower	150			150
Yard Tools	75			75
Crops				
Animals				
Recreational Equipment				
Other (golf clubs)	200			200
Total Net Value				1,954

(a) Statutory allowance for debtor

\$ 3,500

(b) Statutory allowance for debtor's dependents: 2 dependents at \$750 each (not to exceed \$3,000 for total dependents)

1,500

(c) Amount from 1 (b) above to be used in this paragraph.

0

(A part or all of 1 (b) may be used as needed.)

Total Net Exemption 1,954

5. **LIFE INSURANCE.** (As provided in Article X, Section 5 of North Carolina Constitution.)

Name of Insurance Company None Policy No.

Name of Insured Policy Date

Name of Beneficiary

6. **PROFESSIONALLY PRESCRIBED HEALTH AIDS (FOR DEBTOR OR DEBTOR'S DEPENDENTS).** (No limit on value of number of items.)

Description: None

7. DEBTOR'S RIGHT TO RECEIVE FOLLOWING COMPENSATION: (NCGS 1C-1501(a)(8). No limit on number or amount.)

- A. \$ N/A Compensation for personal injury to debtor or to person whom debtor was dependent for support.
 B. \$ N/A Compensation for death of person of whom debtor was dependent for support.

8. INDIVIDUAL RETIREMENT ACCOUNTS, INDIVIDUAL RETIREMENT ANNUITIES AND TRUST ACCOUNTS AS DESCRIBED IN SECTION 408(a), (b) and (c) OF THE INTERNAL REVENUE CODE: (NCGS 1C-1601(a)(9). No limit on number or amount.)

Detailed Description	Value
None	

9. ANY OTHER REAL OR PERSONAL PROPERTY WHICH DEBTOR DESIRES TO CLAIM AS EXEMPT THAT HAS NOT PREVIOUSLY BEEN CLAIMED ABOVE. (NCGS 1C-1601(a)(2). THE AMOUNT CLAIMED MAY NOT EXCEED THE REMAINING AMOUNT AVAILABLE UNDER PARAGRAPH 1 (b) WHICH HAS NOT BEEN USED FOR OTHER EXEMPTIONS.)

Description	Market Value	Lien Holder(s)	Amt. Lien	Net Value
None				

(a) Total Net Value of property claimed in paragraph 9.

\$ _____

(b) Total amount available from paragraph 1 (b).

\$ _____

(c) Less amounts available under paragraph 1 (b) which was used in other paragraphs:

Paragraph 2 (b)

\$ _____

Paragraph 3 (b)

\$ _____

Paragraph 4 (c)

\$ _____

Net Balance Available from paragraph 1 (b)

\$ _____

Total Net Exemption

\$ 0

10. OTHER EXEMPTIONS CLAIMED UNDER THE LAWS OF THE STATE OF NORTH CAROLINA:

Aid to the Aged, Disabled and Families with Dependent Children, NCGS 108A-36	0
Aid to the Blind, NCGA 111-18	0
Yearly Allowance for Surviving Spouse, NCGS 30-15, NCGS 30-33	0
North Carolina Local Government Employees Retirement Benefits, NCGS 128-31	0
North Carolina Teachers and State Employees Retirement Benefits, NCGS 135-9	0
Firemen's Relief Fund Pensions, NCGS 118-49	0
Fraternal Benefit Society Benefits, NCGS 58-283	0
Workers Compensation Benefits, NCGS 97-21	0
Unemployment Benefits, so long as not commingled and except for debts for necessities purchased while unemployed, NCGS 96-17	0
Group Insurance Proceeds, NCGS 53-213	0
Partnership Property, except on a claim against the partnership, NCGS 59-55	0
Wages of a Debtor Necessary for Support of Family, NCGS 1-362	0
Other	0

TOTAL VALUE OF PROPERTY CLAIMED AS EXEMPT

\$ 0

I. EXEMPTIONS CLAIMED UNDER NON-BANKRUPTCY FEDERAL LAW:

Foreign Service Retirement and Disability Payments, 22 U.S.C. § 1104	0
Social Security Benefits, 42 U.S.C. § 407	0
Injury of Death Compensation Payments from War Risk Hazards, 42 U.S.C. § 601	0
Wages of Fishermen, Seamen and Apprentices, 46 U.S.C. § 601	0
Civil Service Retirement Benefits, 5 U.S.C. §§ 729, 2265	0
Longshoremen and Harbor Workers Compensation Act Death and Disability Benefits, 33 U.S.C. § 916	0
Railroad Retirement Act Annuities and Pensions 45 U.S.C. § 223(L)	0
Veterans Benefits, 45 U.S.C. § 352E	0
Special Pension Paid to Winners of Congressional Medal of Honor, 38 U.S.C. § 3101	0
Federal Homestead Lands, on Debt Contracted Before the Issuance of the Patent, 43 U.S.C. § 175	0
Other	0
TOTAL VALUE OF PROPERTY CLAIMED AS EXEMPT	\$ 0

TENANCY BY THE ENTIRETY. The following property is claimed as exempt pursuant to 11 U.S.C. § 522(b)(2)(B) and the laws of the State of North Carolina pertaining to property held as tenants by the entirety.

Description of Property & Address	Market Value	Mtg. Holder or Lien Holder(s)	Amt. Mtg. or Lien	Net Value
None				
VALUE OF ENTIRETY PROPERTY CLAIMED AS EXEMPT \$				

THE FOLLOWING TANGIBLE PERSONAL PROPERTY WAS PURCHASED BY THE DEBTOR WITHIN 90 DAYS OF THE FILING OF THE BANKRUPTCY PETITION:

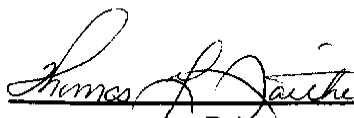
Description	Market Value	Lien Holder(s)	Amt. Lien	Net Value
None				

None of the property listed in paragraph 11 has been included in this Request for Exempt Property. (Tangible personal property purchased within 90 days of the filing of the petition cannot be exempted.)

DESCRIBE BELOW ANY 401(K) PLANS, PENSION PLANS, PROFIT SHARING PLANS, ETC., IN WHICH THE DEBTOR HAS AN INTEREST WHICH ARE NOT LISTED IN DEBTOR'S SCHEDULES OR STATEMENT OF FINANCIAL AFFAIRS OR IN ANY PRECEDING PARAGRAPH OF THIS FORM.

Description	Value
None	

DATE: March 11, 2004


 Debtor
 THOMAS L. GAITHER

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In the Matter of:

THOMAS L. GAITHER
SHELLY E. GAITHER

Debtor.

Case No. _____

**DEBTOR'S CLAIM FOR
PROPERTY EXEMPTIONS**

I, SHELLY E. GAITHER, the undersigned debtor, hereby claim the following property as exempt pursuant to Chapter 1C, Article 16, § 1C-1601 et seq. of the North Carolina General Statutes.

1. **REAL OR PERSONAL PROPERTY USED BY DEBTOR OR DEBTOR'S DEPENDANT AS RESIDENCE OR BURIAL PLOT.** (Total net value not to exceed \$10,000. Amount of the unused portion of the first \$3,500 may be carried forward to be applied on other property claimed as exempt.)

Description of Property & Address	Market Value	Mtg. Holder or Lien Holder	Amt. Mtg. or Lien	Net Value
Residence- 570 Mt. Hall Rd. Cleveland, Rowan Co., NC	100,000	Citifinancial	86,030	13,970

(a) Total Net Value \$ 13,970

* debtor's $\frac{1}{2}$ interest

Total Net Exemption \$ 6,985*

(b) Unused portion of ~~first~~ \$3,500. (This amount, if any, may be used to ~~claim~~ an exemption in any property owned by the debtor.)

\$ 0

2. **MOTOR VEHICLE.** (Only one vehicle allowed under this paragraph with net value claimed as exempt not to exceed \$1,500 plus any portion ~~desired~~ for use from paragraph 1 (b) above.)

Model, Year Style of Auto	Market Value	Lien Holder	Amt. Lien	Net Value
1996 Cadillac Deville		Mpme	N/A	

(a) Statutory allowance

\$ 1,500

(b) Amount from 1 (b) above to be used in this paragraph.

(A part or all of 1 (b) may be used as needed.)

\$

Total Net Exemption \$

3. **TOOLS OF TRADE OR PROFESSIONAL BOOKS.** (Used by Debtor or Debtor's dependent. Total net value of all items claimed as exempt not to exceed \$750.00.)

Description	Market Value	Lien Holder	Amt. Lien	Net Value
None				

(a) Statutory allowance

\$ 750

(b) Amount from 1 (b) above to be used in this paragraph.

(A part or all of 1 (b) may be used as needed.)

\$

Total Net Exemption \$

7. DEBTOR'S RIGHT TO RECEIVE FOLLOWING COMPENSATION: (NCGS 1C-1601(a)(8). No limit on number or amount.)

- A. \$ N/A Compensation for personal injury to debtor or to person whom debtor was dependent for support.
 B. \$ N/A Compensation for death of person of whom debtor was dependent for support.

8. INDIVIDUAL RETIREMENT ACCOUNTS, INDIVIDUAL RETIREMENT ANNUITIES AND TRUST ACCOUNTS AS DESCRIBED IN SECTION 403(a), (b) and (c) OF THE INTERNAL REVENUE CODE: (NCGS 1C-1601(a)(9). No limit on number or amount.)

Detailed Description	Value
403R - YMCA of Rowan County	

9. ANY OTHER REAL OR PERSONAL PROPERTY WHICH DEBTOR DESIRES TO CLAIM AS EXEMPT THAT HAS NOT PREVIOUSLY BEEN CLAIMED ABOVE. (NCGS 1C-1601(a)(2). THE AMOUNT CLAIMED MAY NOT EXCEED THE REMAINING AMOUNT AVAILABLE UNDER PARAGRAPH 1 (b) WHICH HAS NOT BEEN USED FOR OTHER EXEMPTIONS.)

Description	Market Value	Lien Holder(s)	Amt. Lien	Net Value
None				

(a) Total Net Value of property claimed in paragraph 9.

\$ _____

(b) Total amount available from paragraph 1 (b).

\$ _____

(c) Less amounts available under paragraph 1 (b) which was used in other paragraphs:

Paragraph 2 (b)

\$ _____

Paragraph 3 (b)

\$ _____

Paragraph 4 (c)

\$ _____

Net Balance Available from paragraph 1 (b)

\$ _____

Total Net Exemption

\$ 0

10. OTHER EXEMPTIONS CLAIMED UNDER THE LAWS OF THE STATE OF NORTH CAROLINA:

Aid to the Aged, Disabled and Families with Dependent Children, NCGS 108A-36	<u>0</u>
Aid to the Blind, NCGA 111-18	<u>0</u>
Yearly Allowance for Surviving Spouse, NCGS 30-15, NCGS 30-33	<u>0</u>
North Carolina Local Government Employees Retirement Benefits, NCGS 129-31	<u>0</u>
North Carolina Teachers and State Employees Retirement Benefits, NCGS 135-9	<u>0</u>
Firemen's Relief Fund Pensions, NCGS 118-49	<u>0</u>
Fraternal Benefit Society Benefits, NCGS 58-283	<u>0</u>
Workers Compensation Benefits, NCGS 97-21	<u>0</u>
Unemployment Benefits, so long as not commingled and except for debts for necessities purchased while unemployed, NCGS 96-17	<u>0</u>
Group Insurance Proceeds, NCGS 53-213	<u>0</u>
Partnership Property, except on a claim against the partnership, NCGS 59-55	<u>0</u>
Wages of a Debtor Necessary for Support of Family, NCGS 1-362	<u>0</u>
Other	<u>0</u>
TOTAL VALUE OF PROPERTY CLAIMED AS EXEMPT	\$ <u>0</u>

4. PERSONAL PROPERTY USED FOR HOUSEHOLD OR PERSONAL PURPOSES NEEDED BY DEBTOR OR DEBTOR'S DEPENDENTS. (Dependents total net value not to exceed \$3,000 for each dependent, but not to exceed \$3,000 total for all dependents.)

Description of Property	Market Value	Lien Holder	Amt. Lien	Net Value
Clothing & Personal Kitchen Appliances	400			400
Stove	150			150
Refrigerator	200			200
Freezer	12			12
Washing Machine	25			25
Dryer	25			25
China				
Silver	38			38
Jewelry	350			350
Living Room Furniture	150			150
Den Furniture	175			175
Bedroom Furniture	50			50
Dining Room Furniture	200			200
Lawn Furniture				
Television/DVD	250			250
() Stereo () Radio	37			37
Musical Instruments				
() Piano () Organ				
Air Conditioner				
Paintings & Art	17			17
Lawn Mower	150			150
Yard Tools	75			75
Crops				
Animals				
Recreational Equipment				
Other (golf clubs)	200			200
Total Net Value				2,521

- (a) Statutory allowance for debtor \$ 3,500
 (b) Statutory allowance for debtor's dependents: 2 dependents
 at \$750 each (not to exceed \$3,000 for total dependents) 1,500
 (c) Amount from 1 (b) above to be used in this paragraph. 0
 (A part or all of 1 (b) may be used as needed.)

Total Net Exemption 2,521

5. LIFE INSURANCE. (As provided in Article X, Section 5 of North Carolina Constitution.)

Name of Insurance Company None Policy No. _____
 Name of Insured _____ Policy Date _____
 Name of Beneficiary _____

6. PROFESSIONALLY PRESCRIBED HEALTH AIDS (FOR DEBTOR OR DEBTOR'S DEPENDENTS). (No limit on value of number of items.)

Description: None

I. EXEMPTIONS CLAIMED UNDER NON-BANKRUPTCY FEDERAL LAW:

Foreign Service Retirement and Disability Payments, 22 U.S.C. § 1104	0
Social Security Benefits, 42 U.S.C. § 407	0
Injury of Death Compensation Payments from War Risk Hazards, 42 U.S.C. § 601	0
Wages of Fishermen, Seamen and Apprentices, 46 U.S.C. § 601	0
Civil Service Retirement Benefits, 5 U.S.C. §§ 729, 2265	0
Longshoremen and Harbor Workers Compensation Act Death and Disability Benefits, 33 U.S.C. § 916	0
Railroad Retirement Act Annuities and Pensions 45 U.S.C. § 223(L)	0
Veterans Benefits, 45 U.S.C. § 152E	0
Special Pension Paid to Winners of Congressional Medal of Honor, 38 U.S.C. § 3101	0
Federal Homestead Lands, on Debt Contracted Before the Issuance of the Patent, 43 U.S.C. § 175	0
Other	0
TOTAL VALUE OF PROPERTY CLAIMED AS EXEMPT	\$ 0

TENANCY BY THE ENTIRETY. The following property is claimed as exempt pursuant to 11 U.S.C. § 522(b)(2)(B) and the laws of the State of North Carolina pertaining to property held as tenants by the entirety.

Description of Property & Address	Market Value	Mtg. Holder or Lien Holder(s)	Amt. Mtg. or Lien	Net Value
None				
VALUE OF ENTIRETY PROPERTY CLAIMED AS EXEMPT \$				

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Description	Value
None	

TE: March 11, 2004

Shelly E. Gaither
Debtor
SHELLY E. GAITHER